

A U S T I N C I T Y C O U N C I L

**AGENDA**



Thursday, June 22, 2006

#122PH

Back

**Zone Hearings/App Ordinances/Restrictive Covenants  
RECOMMENDATION FOR COUNCIL ACTION**

**Subject:** C14-06-0065 - 2923 and 2933 Pecan Springs Road - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2923 and 2933 Pecan Springs Road (Fort Creek Watershed) from single-family residence-standard lot-neighborhood plan (SF-2-NP) combining district zoning to family residence-neighborhood plan(SF-3-NP) combining district zoning. Planning Commission Recommendation: Forward to Council without a recommendation. Applicant and Agent: Sam E. Presley. City Staff: Robert Heil, 974-2330.

<p><b>Additional Backup Material</b> (click to open) <b>D Staff Report</b></p>
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**For More Information:**

**ZONING CHANGE REVIEW SHEET****CASE:** C14-06-0065**PC. DATE:** May 9, 2006  
May 23, 2006  
June 13, 2006**ADDRESS:** 2923 & 2933 Pecan Springs**OWNER/AGENT:** Sammy E. Presley**ZONING REQUEST:** From SF-2-NP to SF-3-NP**SUMMARY STAFF RECOMMENDATION:**

Staff recommends family residence – neighborhood plan (SF-3-NP) combing district zoning for the tract.

**PLANNING COMMISSION RECOMMENDATION:**

**May 9, 2006:** Approved SF-3-NP on consent (8-0).

**May 23, 2006:** Voted to rescind the action of May 9, and reconsider the item on June 13. *[D.SULLIVAN, K.JACKSON 2<sup>ND</sup>] (8-0) G.STEGEMAN – ABSENT*

**June 13: 2006:** Motion for SF-3-CO with a limit of 2 duplex units failed 3-3. (Dealey, Moore, Stegman – Yes; Riley, Reddy, Cavazos – No. Sullivan, Jackson & Galindo not present).

**Forwarded to Council without a recommendation.**

**DEPARTMENT COMMENTS:**

There was a timely request filed by the neighborhood prior to the May 9<sup>th</sup> public hearing. This request was not included in the information provided to Planning Commission. The neighborhood was not present at May 9<sup>th</sup>, when the item was passed on consent.

On May 23, the Planning Commission rescinded its action of May 9<sup>th</sup> and voted to reconsider the action on June 13<sup>th</sup>. On June 13<sup>th</sup>, Planning Commission failed to pass a recommendation, and the case is being forwarded on to City Council without a recommendation.

The site zoned single family residence – neighborhood plan (SF-2-NP) developed with one single family home on each of the two lots. The intent is to develop each lot with one additional unit.

The surrounding neighborhood is a combination of SF-2-NP and SF-3-NP zoning, developed primarily with single family detached housing.

The neighborhood plan calls for single family use on the site. The request is compatible with the adopted neighborhood plan.

**EXISTING ZONING AND LAND USES:**

	ZONING	LAND USES
<i>Site</i>	SF-2-NP	Single Family homes
<i>North</i>	SF-2-NP	Single Family homes
<i>South</i>	SF-2-NP	Church
<i>East</i>	SF-3-NP	Single Family homes
<i>West</i>	SF-3-NP	Single Family homes

**AREA STUDY:** The site falls within the Pecan Springs - Springdale Neighborhood Plan, which calls for single family use on the site. No plan amendment is required.

**TIA:** Not Required

**WATERSHED:** Fort Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No **HILL COUNTRY ROADWAY:** No

**REGISTERED NEIGHBORHOOD ORGANIZATIONS:**

- Pecan Springs – Springdale
- ANC
- Mueller Neighborhood Coalition
- Keep the Land
- PODER
- East MLK NPCT
- Anberly Airport Asn

**SCHOOLS: (AISD)**

- Jordan Elementary School
- Dobie Middle School
- LBJ High School

**ABUTTING STREETS:**

NAME	ROW	PAVEMENT	CLASSIFICATION	CAPITAL METRO	BICYCLE PLAN	SIDEWALKS
Pecan Spring	60'	36	Collector	No	No	No

**CITY COUNCIL DATE:    ACTION:**

**June 8, 2006:**

**Postponed to June 22 at the request of staff.**

**June 22, 2006:**

**ORDINANCE READINGS:**

**1<sup>st</sup>:**

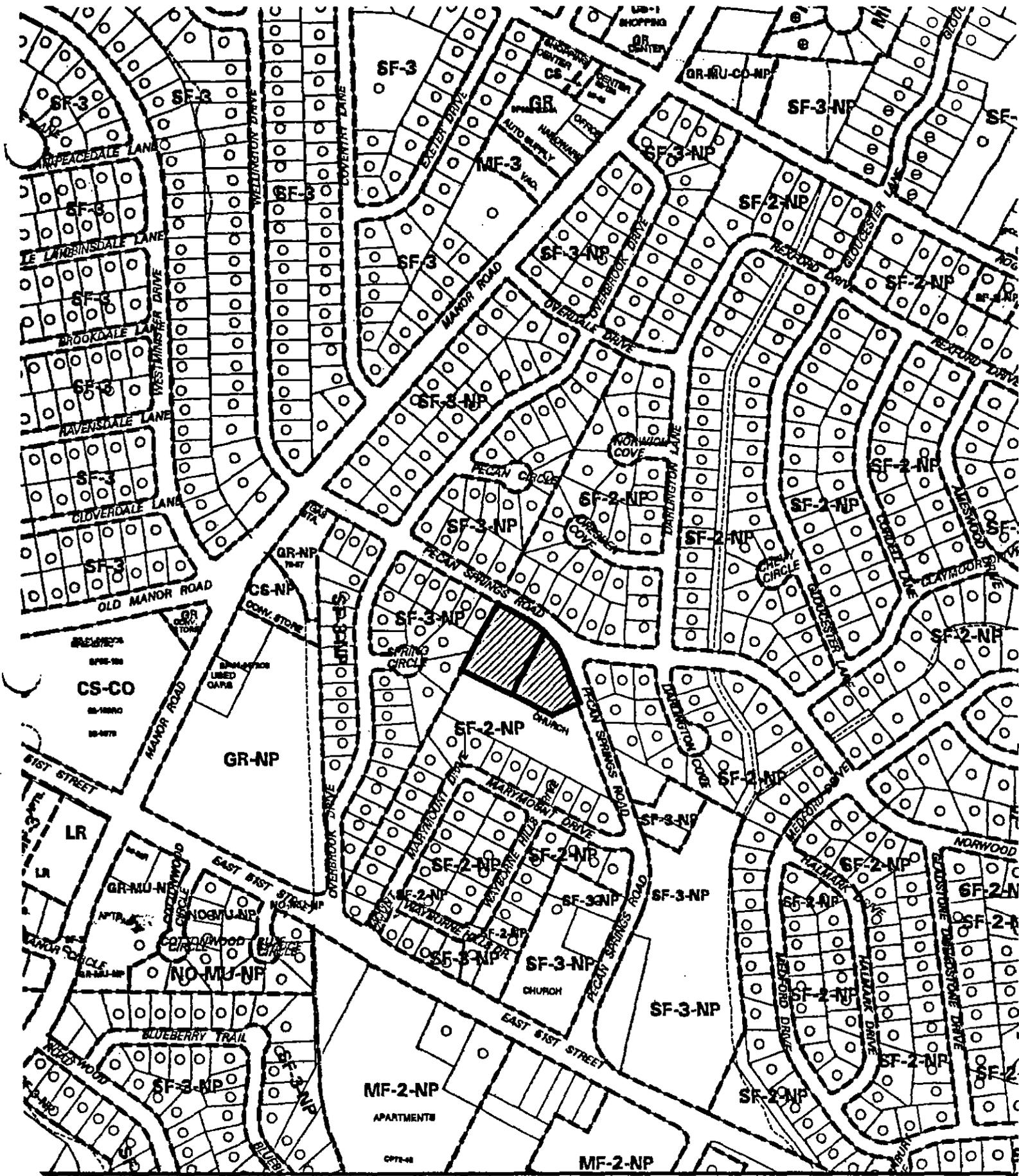
**2<sup>nd</sup>**

**3<sup>rd</sup>**

**ORDINANCE NUMBER:**

**CASE MANAGER: Robert Heil  
e-mail address: robert.heil@ci.austin.tx.us**

**PHONE: 974-2330**



SUBJECT TRACT   
 PENDING CASE   
 ZONING BOUNDARY   
 CASE MGR: R. HEIL

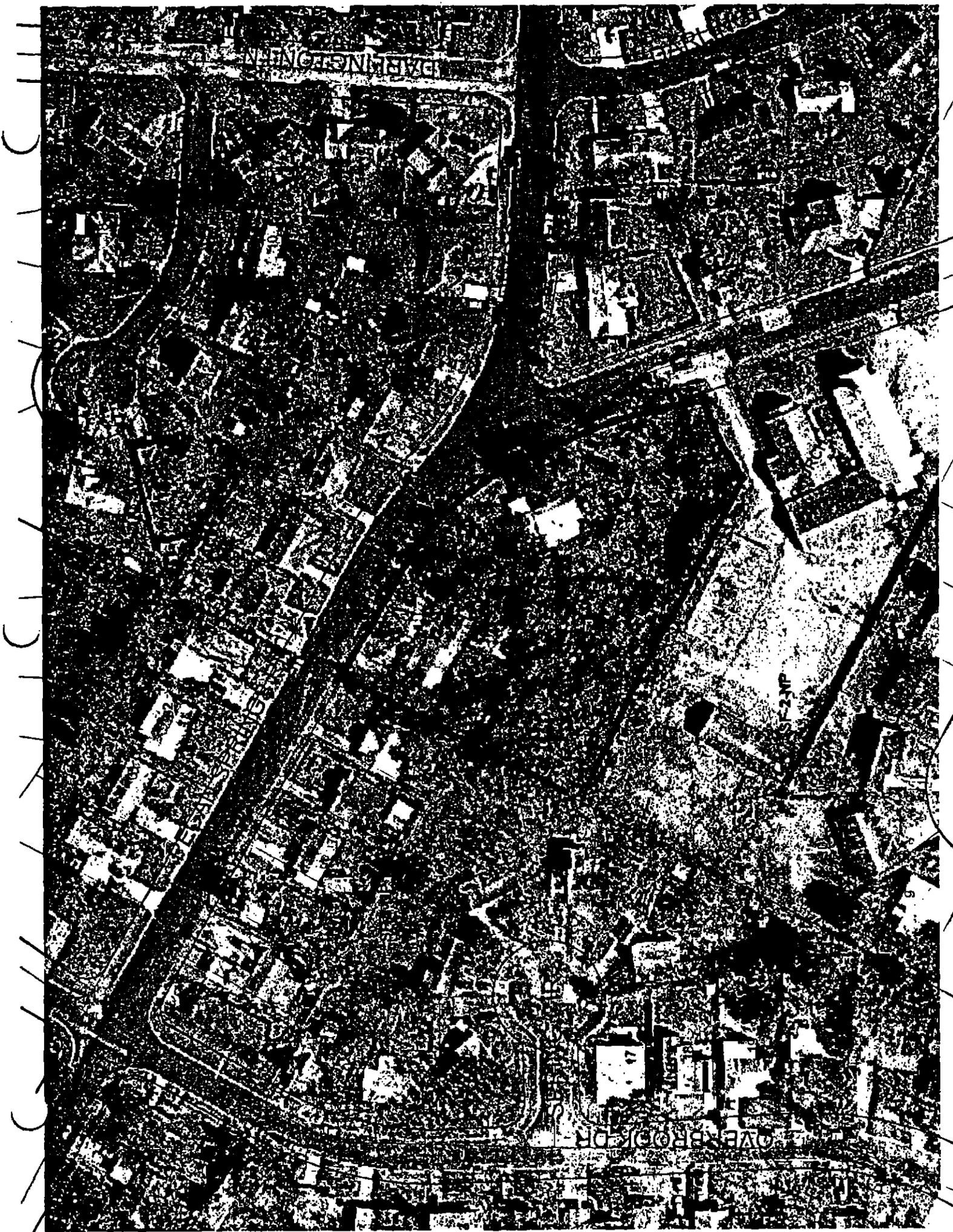
**CASE #: C14-06-0065**  
 ADDRESS: 2923 - 2933 PECAN  
 SPRINGS RD  
 SUBJECT AREA (acres): 1.760

**ZONING**

DATE: 06-03  
 INTLS: SM

CITY GRID  
 REFERENCE  
 NUMBER  
 M25

1" = 400'



EAST 125th STREET

EAST 100th STREET

EAST 100th STREET

## **SUMMARY STAFF RECOMMENDATION**

### **BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)**

1. *Zoning changes should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character.*

The change from SF-2 to SF-3 is a compatible change that will allow for a modest, appropriate level of infill.

2. *Zoning changes should be compatible with adopted neighborhood plans..*

The site falls within the Pecan Springs - Springdale Neighborhood Plan, which calls for single family use on the site. No plan amendment is required. \*

### **EXISTING CONDITIONS**

#### **Site Characteristics**

The site is an already developed single family property. The surrounding zoning is SF-2 and SF-3 with single family and civic uses.

#### **Environmental** (Jason Traweck 974-2332)

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Fort Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.

Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.

This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.

According to flood plain maps, there is no flood plain within the project area.

At this time, site-specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

**Transportation** (Amy Link 974-2628)

No additional right-of-way is needed at this time.

The trip generation under the requested zoning is estimated to be 153 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC, 25-6-113]

**Existing Street Characteristics:**

NAME	ROW	PAVEMENT	CLASSIFICATION	CAPITAL METRO	BICYCLE PLAN	SIDEWALKS
Pecan Spring	60'	36	Collector	No	No	No

**Water and Wastewater** (Paul Urbanek 974-3017)

The site is currently served with City of Austin water and wastewater utilities. If water or wastewater utility improvements, or offsite main extension, or system upgrades, or utility relocation, or adjustment are required, the landowner, at own expense, will be responsible for providing. Also, the utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City of Austin design criteria. The utility construction must be inspected by the City. The landowner must pay the associated and applicable City fees.

**Site Plan** (NIKKI HOELTER 974-2863)

No site plan comments



# East MLK Combined Neighborhood Planning Area Future Land Use Map

A comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries.

Updates may occur past the date of this map. Please verify with the COA.

### PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

[www.ci.austin.tx.us/development](http://www.ci.austin.tx.us/development)

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-06-0065  
Contact: Robert Heil, (512) 974-2330  
Public Hearing:  
May 9, 2006 Planning Commission

I am in favor  
 I object

Dorothy Williams  
Your Name (please print)

5308 DARTINGTON COVE  
Your address(es) affected by this application

Dorothy Williams 5-3-06  
Signature Date

Comments: I think it would make the neighborhood to close & congest. We have enough drug in the area now also sex offenders having ones totes are to much now this will add on to the problem

If you use this form to comment, it may be returned to:  
City of Austin  
Neighborhood Planning and Zoning Department  
Robert Heil  
P. O. Box 1088  
Austin, TX 78767-8810

PETITION

Date: 06-02-2006

File Number: Case C14-06-0065

Address of

Rezoning Request: 2923-2933 Pecan Springs Road

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than SF-2.

The proposed zoning change to SF-3 allows duplexes and therefore does not promote home ownership that is a goal described in the Pecan Springs/Springdale Hills Neighborhood Plan, adopted by the City in 2002.

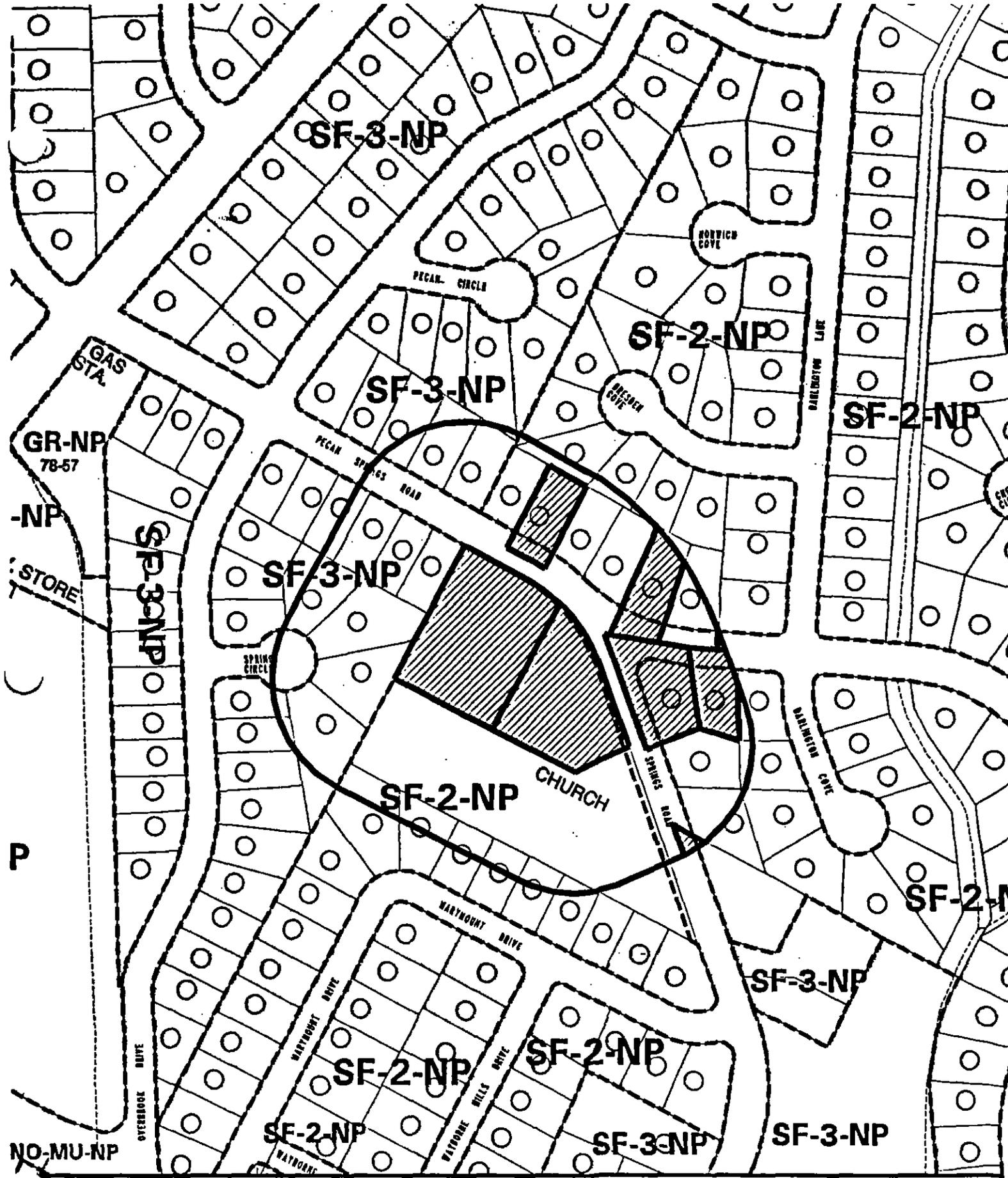
Duplexes are a detriment to the Pecan Spring/Springdale Hills neighborhood. A detriment is described as a poorly maintained property and/or a crime-ridden property.

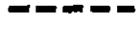
The developer, Sam Presley, has not spoken with nor presented his case to the Pecan Springs/Springdale Hills neighborhood association despite several requests by the neighborhood association through Robert Hell, the case manager.

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature missing  
Against Church

Signature	Printed Name	Address
<del>Robert L. Fryer</del>	ROBERT L. FRYER	2939 Pecan Springs Rd.
Marcus Hayes	MARCUS HAYES	"
MATRE Lyke	MATRE LYKE	"
JAY JOHNSON	JAY JOHNSON	"
Thelma J. Johnson	THELMA J. JOHNSON	"
WALTER B. LEWIS	WALTER B. LEWIS	27 Howard Hill Rd
Jessica L. Andrew	JESSICA L. ANDREW	2929 Howard Hill Rd
Maria E. Powell	MARIA E. POWELL	5400 Darlington Ln - Apt 712
WILLIE B. POWELL	WILLIE B. POWELL	6822 DALLAS ST
KUDY DELACRUZ	KUDY DELACRUZ	2926 Howard Hill Rd.
JUDITH WELLES	JUDITH WELLES	3000 PECAN SPRINGS RD.
Dorothy Y. Caudle	DOROTHY Y. CAUDLE	2920 Pecan Springs Rd



 1" = 200'	SUBJECT TRACT PENDING CASE ZONING BOUNDARY CASE MGR: R. HEIL	  	<b>PETITIONS</b> CASE #: C14-06-0065 ADDRESS: 2923 - 2933 PECAN SPRINGS RD SUBJECT AREA (acres): 1.700	DATE: 06-08 INTLS: SM	CITY GRID REFERENCE NUMBER M25
	NO-MU-NP	SF-2-NP	SF-2-NP	SF-2-NP	SF-2-NP